



PATENT APPLICATION
Navy Case No. 82,591

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Keller et al.

Serial No.: 10/006,385

Filed: December 10, 2001

For: METAL NANOPARTICLE THERMOSET AND CARBON COMPOSITIONS FROM MIXTURES OF METALLOCENE-AROMATIC-ACETYLENE COMPOUNDS

Examiner: Not Yet Assigned

Group Art Unit: 1754

February 27, 2002

Honorable Assistant Commissioner of Patents
Washington, D.C. 20231

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PETITION UNDER 37 C.F.R. § 1.47(a)

Sir:

It is respectfully requested that the Commissioner accept the attached Declaration as complying with the Notice to File Missing Parts of Nonprovisional Application mailed on January 24, 2002.

STATEMENT OF FACTS

There are three (3) inventors named in the above-identified patent application. They are as follows: Teddy M. Keller, Joseph Perrin and Syed B. Qadri. Pursuant to 37 U.S.C. § 1.47(a), Teddy M. Keller and Syed B. Qadri are applying for the above-identified patent. Both Teddy M. Keller and Syed B. Qadri executed the attached Declaration. Although Joseph Perrin is a named inventor, he will not be signing the attached Declaration. Attached hereto is a Declaration of Joseph Perrin in which he recites that he is a co-inventor of the above-identified patent application and that he will not be signing the Declaration pursuant to an applicable statute.

Joseph Perrin has since prior to the filing of the above-identified patent application, i.e., since prior to December 10, 2001, been an employee of the United States Patent and Trademark Office.

35 U.S.C. § 4 states that:

“Officers and employees of the Patent and Trademark Office shall be incapable,

during the period of their appointments and for one year thereafter, of applying for a patent ...”

In American Cyanamid Company et al. v. Ladd, Comr. Pats, 140 U.S.P.Q. 364 (Dist. Ct. D.C. 1964), the court, based on a similar set of facts in which one of the inventors was an employee of the PTO, decided that either the assignee or the joint inventor could apply for the patent.

The joint inventors, Teddy M. Keller and Syed B. Qadri, are applying for the above-identified patent.

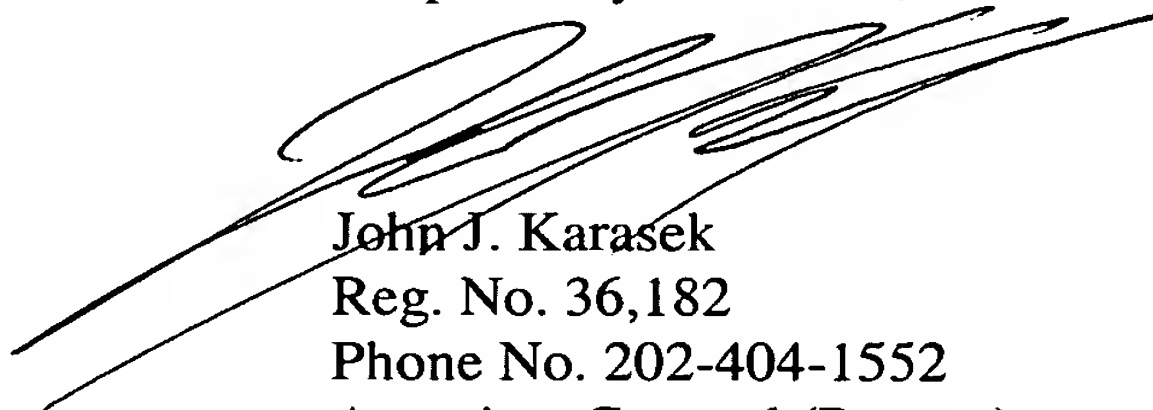
Joseph Perrin's address is:

Joseph Perrin
13901 Middle Creek Place
Centerville, VA 20121

For the foregoing reasons, applicants respectfully urge that the Declaration attached hereto be accepted as complying with 37 C.F.R. § 1.63.

Kindly charge any additional fees due, or credit overpayment of fees, to Deposit Account 50-0281.

Respectfully submitted,



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CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Date

Jane Barrow